

JIM GIBBONS  
Governor

MICHAEL J. WILLDEN  
Director



RICHARD WHITLEY, MS  
Administrator

MARY GUINAN, MD, PhD  
Acting State Health Officer

COPY

STATE OF NEVADA  
DEPARTMENT OF HEALTH AND HUMAN SERVICES  
**HEALTH DIVISION**  
BUREAU OF HEALTH CARE QUALITY AND COMPLIANCE

READER

**NOTICE OF INTENT TO IMPOSE SANCTIONS**

MAILED

Certified Mail # 7008 0150 0003 7527 0485

DEC 10 2008

December 9, 2008

Bureau of Licensure  
and Certification  
Carson City, Nevada

Steve Zeitlin, Program Sponsor  
Vegas Valley Treatment Center  
1325 S. Commerce Street  
Las Vegas, NV 89102

**YOU ARE HEREBY NOTIFIED** that the HEALTH DIVISION intends to impose sanctions effective eleven working days after your receipt of this notice.

**Statutory or Regulatory Authority**

The Health Division is imposing sanctions on your facility in accordance with Nevada Revised Statutes (NRS) 449.163 through 449.170 and Nevada Administrative Code (NAC) 449.9982 through 449.99939. The imposition of sanctions is based on the severity and the scope of the deficiency as defined by NAC 449.99861 and NAC 449.9986. The severity and scope scores assigned to the deficiencies are provided in Attachment A.

**Ban on Admissions**

NAC 449.9988 through NAC 449.99883 authorizes the Bureau to impose a ban on admissions until substantial improvements have been made to correct the deficiencies and that the health, safety and well-being of recipients are adequately safeguarded. A follow-up survey with the Nevada State Opioid Treatment Authority must be conducted and compliance must be verified before the ban on admission will be lifted.

**Monetary Penalties**

NAC 449.99895 authorizes the Bureau to impose monetary penalties. The Bureau is imposing initial penalties of \$800.00, assessed for each deficiency at TAG N169 and N174. NAC 449.99899(3) indicates for initial deficiencies with a severity level of three and a scope level of three an initial monetary penalty of \$800 per deficiency must be imposed. No daily penalty will be imposed at this time.

NAC 449.99904 indicates the requirements for reduction of the penalty.  
NAC 449.99908 indicates the time allowed for the payment of the penalty.  
NAC 449.99911 indicates the possible consequences for failure to pay the penalty.

Total of Monetary Penalties = \$1600.00

☒ Health Facilities/Lab Services  
1550 E. College Parkway  
Suite 158  
Carson City, Nevada 89706  
(775) 687-4475  
Fax: (775) 687-6588

☐ Health Facilities/Lab Services  
4220 S. Maryland Parkway  
Suite 810, Building D  
Las Vegas, NV 89119  
(702) 486-6515  
Fax: (702) 486-6520

☐ Emergency Medical Services  
1000 E. Williams Street  
Suite 209  
Carson City, Nevada 89701  
(775) 687-7590  
Fax: (775) 687-7595

☐ Emergency Medical Services  
1020 Ruby Vista Drive  
Suite 103  
Carson City, NV 89801  
(775) 753-1154  
Fax: (775) 753-4112

☐ Emergency Medical Services  
PO Box 1227  
Tonopah, NV 89049  
(775) 482-3722  
Fax: (775) 482-6975

**Directed Plan of Correction**

NAC 449.9987 (2) authorizes the Bureau to develop a directed plan of correction with which the facility must comply. The facility must do the following to correct its violations:

1. Ensure the clinic physician's days at the clinic will be increased to at least two days per week and up to five days a week as needed.
2. Ensure all current patients receive a full medical evaluation with the clinic physician. Documentation of the medical evaluation will be placed in patient files.
3. Once the ban of admission is rescinded, the clinic will ensure that all new patients will receive the full medical evaluation within the required timeframe. Documentation of the medical evaluation will be placed in patient files.
4. The clinic physician will enter into a mentoring program with another clinic physician in the Las Vegas area.
5. The clinic physician will receive continuing education training regarding methadone treatment. In addition, the clinic physician will complete the opioid treatment course required for buprenorphine prescribers at [www.buprenorphine.samhsa.gov](http://www.buprenorphine.samhsa.gov).
6. The standing orders will be revised to reflect individualized patient care.
7. Each patient's initial and subsequent dose will be decided by the clinic physician.
8. The facility will apply for a State laboratory license or cease conducting urine testing.
9. The facility will seek technical assistance with the Center for Substance Abuse Treatment (CSAT).
10. The facility will obtain a copy of TIP 43 Medication-Assisted Treatment for Opioid Addiction in Opioid Treatment Programs from SAMHSA.

**Monitoring**

NAC 449.99885 authorizes the Bureau to monitor the implementation of the plan of correction of the facility to determine whether the facility carries out the plan of correction. Bureau staff will conduct a follow up survey at the facility to ensure compliance with the facility's plan of correction in the following areas: TAGs N169, N174 and N175.

**Facts Supporting the Sanction**

The Bureau conducted a survey at Vegas Valley Treatment Center on 11/17/08. The specific factual findings that serve as the basis of the underlying deficiencies are set forth in the Statement of Deficiencies (SOD) in Attachment A.

**Notice of Right to Appeal**

Nevada Revised Statutes 449.170(2) affords the facility the right to contest the action of the Health Division. If you wish to oppose this action, you must send a written appeal to Richard Whitley, MS, Health Division Administrator, 4150 Technology Way, Suite 300, Carson City, Nevada 89706. You can fax your written appeal to (775) 684-4211.

In order for you to receive a hearing, the Administrator must receive this written appeal by 5:00 pm on the 10<sup>th</sup> working day after you have received this notice. The local Bureau of Health Care Quality and Compliance office cannot accept your appeal. Your written appeal must include the following information: a) the action to be contested, b) the name of the division officer or employee who signed this notice, c) the reasons that the appellant believes the action is incorrect, and d) whether or not the appellant is seeking an informal internal resolution prior to the formal appeal process.

You are entitled to be represented by counsel at your own expense in these proceedings. If you retain an attorney, your counsel must notify the Administrator of his or her representation of you.

**Effective Date of Sanction**

If you submit a timely request for appeal, the effective date of the action will be stayed, pending the hearing on appeal. If you do not request a hearing within the next ten working days, you will waive your rights to a hearing and the action will be imposed as of the 11<sup>th</sup> working day after you receive this notice. NAC 439.348 indicates that except as otherwise provided in NAC 449.99908 the effective date of the disciplinary action is stayed upon receipt of an appeal until the hearing officer renders a decision regarding the appeal. NAC 449.99908 indicates that initial monetary penalty assessment payments are due within 15 days after the notice of the penalty and must be paid irrespective of any administrative appeal.

**Reduction of Monetary Penalties**

If you waive your right to hearing, correct the deficiencies and pay the fines within 15 days of this notice, your penalty will be reduced by 25% pursuant to NAC 449.99904.

**Payments**

Payments for monetary penalties must be made to the Bureau of Health Care Quality and Compliance at 1550 E. College Parkway, Ste. 158, Carson City, NV 89706.

If you have any questions about this notice or the contents therein, please call the supervisor indicated below at (775) 687-4475.

Sincerely,



Patricia Chambers, RN, HFS III  
State Opioid Treatment Authority

For Marla McDade Williams, MPA, Bureau Chief

Attachments: 1 Page SOD Cover Letter  
7 Pages SOD – Attachment A  
4 Pages Plan of Correction Checklist Memo